

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 21:CR-00166-D-1

United States of America,

v.

Charles Muhammad Cunningham,

Defendant.

Order

At the outset of pro se Defendant Charles Muhammad Cunningham's detention hearing, the United States renewed its request that the court appoint stand-by counsel for the Defendant. Given that there is no constitutional right to stand-by counsel, the court denies the request. *See United States v. Beckton*, 740 F.3d 303, 307 (4th Cir. 2014) ("Although a criminal defendant has both a right to counsel and a right to represent himself, those rights are 'mutually exclusive.'").

If Cunningham has changed his mind about representing himself, he should promptly file a motion for appointment of counsel. Given the difficulties faced by a detained pro se defendant in preparing for trial, the court strongly encourages him to do so. If Cunningham does not make a timely request, he may end up waiving his right to be represented by a court-appointed attorney. *See United States v. Cohen*, 888 F.3d 667, 681 (4th Cir. 2018) (discussing a district court's ability to deny tardy requests for court-appointed counsel).

The United States mentioned that Cunningham may be housed in a facility that prohibits him from reviewing audio and video recordings that are relevant to his defense. The court orders the United States Marshal to house Cunningham in a facility where he will be able to review these materials in preparation for trial.

Dated: April 18, 2022



Robert T. Numbers, II
United States Magistrate Judge